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EXAMINER

SMITH, BENJAMIN J

ART UNIT	PAPER NUMBER
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2176

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

efspatents@sommerbarnard.com

Office Action Summary	Application No. 10/579,644	Applicant(s) SCHLEPPENBACH ET AL.	
	Examiner Benjamin J. Smith	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final office action is in response to the Application filed on 5/18/2006, with a priority date of 11/18/2003 from US provisional application number 60/520847.

Claims 1-31 are presented for examination. Claims 1, 12, 21 and 27 are independent claims.

Specification

The use of the trademarks MICROSOFT WORD, ADOBE ACROBAT, QUARK EXPRESS, WORD PERFECT and ADOBE PAGEMAKER has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 19:

"input/output drive" is not mentioned in the specification. Storage drives are mentioned and it is unclear if these storage devices mentioned are the "input/output drive" claimed.

Claim Objections

Claim 18:

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim 1, 16 and 28:

The claims refer to “Quark Express” documents, but the proper name for the perceived document is “Quark **XPress**”

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 16 and 28 contains the trademark/trade names MICROSOFT WORD, ADOBE ACROBAT, QUARK EXPRESS, WORD PERFECT and ADOBE PAGEMAKER. Where a trademark or trade name is used in a claim as a limitation to

Art Unit: 2176

identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe different types of documents and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 21-24 and 27 rejected under 35 U.S.C. 102(b) based upon Willian et al US Patent Application No. 2005/0021859 (hereinafter, "Willian").

Claim 21:

Willian teaches: *A method of administering a test to a special needs person* [paragraph 005] [test for hearing or visually impaired], *said method comprising the steps of: loading the test onto a portable system* [paragraph 0020 and 0022] [retrieving from server and distribute to wireless computer, a wireless computer is portable]; *providing a plurality of communication channels on the portable system by which the person may interact with the portable system* [paragraph 0023] [monitor, speakers, printer, keyboard, mouse and microphone]; *and recording responses from said individual communicated via at least one of said channels* [paragraph 0048] [the input devices are record responses including IVR].

Claim 22:

Willian teaches: *The method of claim 21, wherein said loading and recording steps utilize an input/output drive* [paragraphs 0003, 0004 and 0048] [IVR is an input/output drive].

Claim 23:

Willian teaches: *The method of claim 21, further comprising the step of delivering the portable system to a site at which testing content may be used* [paragraphs 0007, 0009 and 0028] [delivery devices include computers which are portable systems].

Art Unit: 2176

Claim 24:

Willian teaches: *The method of claim 21, wherein the providing of channels step includes permitting access to at least one of an access group comprising a keypad, a keyboard, a Braille keyboard, a microphone, a touch screen, a mouse, a control panel, and a sip-and-puff device* [paragraphs 0003, 0004 and 0048] [keyboard, mouse and microphone are all disclosed].

Claim 27:

Willian teaches: *A method of communicating content to a special needs person* [paragraph 005] [test for hearing or visually impaired], *said method comprising the steps of:*
accepting digitized content input [paragraph 0020 and 0022] [retrieving content from server and distribute it to wireless computer];
using a processor to convert said content input into a converted content [paragraph 0029] [conversion of XML to any delivery format],
providing a computerized output configuration toolbar to the person [paragraph 0052] [toolbar for formatting controls]; *and*
modifying output to the person based upon a selected configuration [paragraph 0040] [modify the content based on user instruction].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 10, 12, 13, 14, 16, 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Michael Kolffman US Patent No. 6,912,529 (hereinafter, "Kolffman"), and further in view of Schwerdtfeger et al. US Patent No. 6,725,424 (hereinafter, "Schwerdtfeger").

Claim 1:

Kolffman teaches:

A method of communicating content, said method comprising the steps of [abstract] [storing and retrieving documents] inputting content having a format selected from a content group comprising a text file [abstract] [text based documents], a Microsoft Word file [col. 18, lines 5-35] [XML generator uses a DTD to convert Microsoft Word file], an Adobe Acrobat File [col. 1, lines 50-65] [convert and view in Adobe Acrobat], an HTML document [col. 5, lines 10-41] [HTML to XML] [It should also be noted that the W3C HTML 3.2 standard was designed to provide easy conversion to XML], an XML document [col. 5, lines 10-41] [XML document], an XHTML document [XHTML is HTML that conforms to XML standards, thus making it easily convertible to XML], a Quark Express document [Quark Xpress 4.1, which was released in 1999,

Art Unit: 2176

added XML and PDF support, the addition of this support made the document easily convertible to XML], *a Word Perfect document* [col. 18, lines 5-35] [XML generator uses a DTD do convert to WordPerfect file], *an SGML document* [col. 5, lines 10-41] [XML is a simplified version of SGML, which can be used as well], *and an Adobe PageMaker* [PageMaker whose latest version was released in 2001 supports exporting files as HTML, thus providing easy conversion to XML] *document to form inputted content; converting the inputted content from the content group into an XML format to form converted content* [col. 18, lines 5-35] [XML generator uses a DTD do convert to convert files of multiple formats to XML];

... ; and

outputting the converted content into an output device [col. 20, lines 28-34] [produce formatted output for display].

Kolfman fails to teach:

applying a DOM tree to the content;

Schwerdtfeger teaches:

applying a DOM tree to the content [col. 3, line 62 through col. 4, line 8] [DOM generator];

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting documents to XML in Kolfman with the method of creating a DOM tree in Schwerdtfeger.

This combination would have been useful for creating a document that can easily manipulated using the DOM.

Claim 2:

Schwerdtfeger teaches: *The method of claim 1, wherein the output device is configured for use by a special needs person.* [col. 3, lines 10-28] [Braille display or speech engine is for special needs person]

Claim 4:

Schwerdtfeger teaches: *The method of claim 1, further comprising a step of reading the DOM tree from data embedded in the inputted content* [col. 7, lines 48-65] [modified parts of the document are pre-transcoded in the DOM and saved for use in the DOM creation process].

Claim 5:

Schwerdtfeger teaches: *The method of claim 1, further comprising a step of scanning the inputted content to develop the DOM tree* [col. 3, line 62 through col. 4, line 8] [the inputted document would have to be scanned to produce an identifier for each element].

Claim 10:

Schwerdtfeger teaches: *The method of claim 1, wherein said outputting step comprises outputting the converted content to a plurality of the output devices [col. 3, lines 15-20] [output for multiple devices, including Braille display or speech engine].*

Claim 12:

Kolfman teaches:

A system for communicating content to a special needs person, said system comprising:
a processor configured to accept content input and modify said content input to provide modified content [col. 18, lines 5-35] [XML generator uses a DTD to convert a Microsoft Word file];
a removable input device configured to deliver the content input to said processor [col. 3, lines 58-65] [any of the work stations are removable, and many types of discs or storage devices that can hold a documents are removable];
a control input device for sending signals to said processor to provide instructions relating to the content input in order to prepare the modified content [col. 18, lines 5-35] [XML generator uses a DTD to convert files of multiple formats to XML], and;

Kolfman fails to teach:

a handicap-accessible output device configured to output the modified content to the special needs person.

Schwerdtfeger teaches:

a handicap-accessible output device configured to output the modified content to the special needs person [col. 3, lines 15-20] [a Braille display and speech engine is modified for special needs people].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman with the method of creating content for special needs people in Schwerdtfeger.

This combination would have been useful for creating a document that can easily used by special needs devices.

Claim 13:

Schwerdtfeger teaches: *The system of claim 12, wherein said removable input device is further configured to receive content input or modified content from said processor* [col. 3, lines 10-25] [receive document from device or processor].

Claim 14:

Schwerdtfeger teaches: *The system of claim 12, further comprising a second of said handicap-accessible output device configured to deliver the modified content to the special needs person in a second manner* [col. 3, lines 15-20] [output for multiple devices, including Braille display or speech engine].

Claim 16:

Kolfman teaches: *The system of claim 12, wherein the content input has a format selected from an input group comprising a text file* [abstract] [text based documents], *a Microsoft Word file* [col. 18, lines 5-35] [XML generator uses a DTD to convert a Microsoft Word file], *an Adobe Acrobat File* [col. 1, lines 50-65] [convert and view in Adobe Acrobat], *an HTML document* [col. 5, lines 10-41] [HTML to XML] [It should also be noted that the W3C HTML 3.2 standard was designed to provide easy conversion to XML], *an XML document* [col. 5, lines 10-41] [XML document], *an XHTML document* [XHTML is HTML that conforms to XML standards, thus making it easily convertible to XML], *a Quark Express document* [Quark Xpress 4.1, which was released in 1999, added XML and PDF support, the addition of this support made the document easily convertible to XML], *a Word Perfect document* [col. 18, lines 5-35] [XML generator uses a DTD to convert to WordPerfect file], *an SGML document* [col. 5, lines 10-41] [XML is a simplified version of SGML, which can be used as well], *and an Adobe PageMaker* [PageMaker whose latest version was released in 2001 supports exporting files as HTML, thus providing easy conversion to XML].

Claim 18:

Schwerdtfeger teaches: *The system of claim 12, wherein said output device is at least one selected from an output device group comprising a monitor, a speaker, headphones, a Braille display device, a printer, a USB storage device 175, a web page, and a database* [col. 3, lines 10-20] [Braille display, speech engine and display, other devices mentioned and are all output substitutions].

Claim 19:

Kolfman teaches: *The system of claim 12, wherein said removable input device is an input/output device.* [col. 3, lines 58-65] [any of the work stations are removable, and these are both input and output devices].

Claim 3 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Kolfman and Schwerdtfeger as applied to claim 1 above, and further in view of Willian et al US Publication No. 2005/0021859 (hereinafter, "Willian").

Claim 3:

Kolfman and Schwerdtfeger disclose all the elements of Claim 1, as noted in the above rejection:

Kolfman and Schwerdtfeger fail to teach:

The method of claim 1, wherein the output device is a test device usable for administering standardized tests.

Willian teaches:

The method of claim 1, wherein the output device is a test device usable for administering standardized tests [paragraphs 0005, 0028 and 0041] [conversion of math or English tests for visually or hearing impaired].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman and the method of creating a DOM tree in Schwerdtfeger with the method of test administration in Willian.

This combination would have been useful for a better testing situation for a special needs person.

Claim 20:

Kolfman and Schwerdtfeger disclose all the elements of Claim 1, as noted in the above rejection:

Kolfman and Schwerdtfeger fail to teach:

The system of claim 12, further comprising a control panel configured for facilitating use of testing content.

Willian teaches:

The system of claim 12, further comprising a control panel configured for facilitating use of testing content [paragraphs 0005, 0028 and 0041] [conversion of math or English tests for visually or hearing impaired].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman and the method of creating a DOM tree in Schwerdtfeger with the method of test administration in Willian.

This combination would have been useful for a better testing situation for a special needs person.

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kolfman and Schwerdtfeger as applied to claim 1 above, and further in view of Whitledge et al US Patent No. 6,925,595 (hereinafter, "Whitledge").

Claim 6:

Kolfman and Schwerdtfeger disclose all the elements of Claims 1 and 5, as noted in the above rejection:

Kolfman and Schwerdtfeger fail to teach:

The method of claim 5, wherein said scanning step includes a step of headings scanning in order to identify at least one of headings, subheadings, and chapters.

Whitledge teaches:

The method of claim 5, wherein said scanning step includes a step of headings scanning in order to identify at least one of headings, subheadings, and chapters [col. 25, lines 16-50 and fig. 11] [identifies each part].

Whitledge simply discloses the common way for arranging a DOM. Each DOM that is created scans the document to identify the different elements. These different elements are most commonly, headings, text, graphics, tables, row, columns, cells, titles, headings as well as other items.

Although Schwerdtfeger does not specifically mention these elements the identification of these elements would have been common to one having ordinary skill in the art at the time of the invention.

Claim 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Kolfman and Schwerdtfeger as applied to claim 1 above, and further in view of Decary et al US Patent No. 7,065,483 (hereinafter, "Decary").

Art Unit: 2176

Claim 7:

Kolfman and Schwerdtfeger disclose all the elements of Claim 1, as noted in the above rejection:

Kolfman and Schwerdtfeger fail to teach:

The method of claim 1, further comprising a step of parsing the inputted content into at least content pieces, the content pieces having a characteristic selected from a characteristic group comprising a paragraph, a phrase, a word, and a letter.

Decary teaches:

The method of claim 1, further comprising a step of parsing the inputted content into at least content pieces, the content pieces having a characteristic selected from a characteristic group comprising a paragraph, a phrase, a word, and a letter [col. 5, lines 14-23 and col. 9, lines 30-47] [extract parts of document and parts of speech, scanning each letter to identify noun phrase].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman and the method of creating a DOM tree in Schwerdtfeger with the method of speech part identification in Decary.

This combination would have been useful for identifying parts of a document that may need to be changed or altered for a special needs person.

Claim 8:

Schwerdtfeger teaches: *The method of claim 7, further comprising a step of analyzing the content pieces so as to assign an identifier to each of said content pieces* [col. 3, line 62 through col. 4. line 8] [generating a unique identifier for each element].

Claim 9:

Decary teaches: *The method of claim 8, wherein the identifier is at least one selected from an identifier group comprising a subject, a predicate, and an object* [col. 6, lines 55-65] [identify each part of speech, noun, subject, object, verb etc.].

Claim 11, 15 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kolfman and Schwerdtfeger as applied to claim 1 above, and further in view of Said et al US Patent Application No. 2004/0218451 (hereinafter, "Said").

Claim 11:

Kolfman and Schwerdtfeger disclose all the elements of Claim 1, as noted in the above rejection:

Kolfman and Schwerdtfeger fail to teach:

The method of claim 10, further comprising a step of coordinating the plurality of output devices so that the plurality of the output devices delivers synchronized output.

Art Unit: 2176

Said teaches:

The method of claim 10, further comprising a step of coordinating the plurality of output devices so that the plurality of the output devices delivers synchronized output [paragraph 0058] [synchronized audio video, text and image to visual and audio output].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman and the method of creating a DOM tree in Schwerdtfeger with the method of synchronized output in Said.

This combination would have been useful for identifying parts of a document that may need to have each output correspond other outputs.

Claim 15:

Kolfman and Schwerdtfeger disclose all the elements of Claim 12 and 14, as noted in the above rejection:

Kolfman and Schwerdtfeger fail to teach:

The system of claim 14, wherein said first and second of said handicap-accessible output devices are synchronizable.

Said teaches:

The system of claim 14, wherein said first and second of said handicap-accessible output devices are synchronizable. [paragraph 0058]
[synchronized audio video, text and image to visual and audio output].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman and the method of creating a DOM tree in Schwerdtfeger with the method of synchronized output in Said.

This combination would have been useful for identifying parts of a document that may need to have each output correspond other outputs.

Claim 17:

Said teaches: *The system of claim 12, wherein said control input device is at least one selected from an input device group comprising a keyboard, a Braille keyboard, a modified keyboard, a keypad, a control panel, a microphone, a mouse, a touch-screen, and a sip-and-puff device* [paragraph 0048] [sip-and-puff, keyboard, trackball and others].

Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Willian as applied to claim 21 above.

Art Unit: 2176

Claim 25:

Willian fails to disclose: *The method of claim 21, wherein test instructions are provided in advance to a proctor and to said special needs person.*

However, this method of test taking is well know in testing situations in general and even better know in standardized testing. The use of instructions provided to a test proctor and to a test taker, with or without special needs, would have been well know to one having ordinary skill in the art at the time of the invention.

Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Willian as applied to claim 21 above, and further in view of Michael Kolfman US Patent No. 6,912,529 (hereinafter, "Kolfman").

Claim 26:

Willian discloses all the elements of Claim 21 as disclosed in the above rejection.

Willian fails to disclose:

The method of claim 21, further comprising a step of converting the testing content to XML format.

Kolfman discloses:

The method of claim 21, further comprising a step of converting the testing content to XML format.

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman with the method of test administration in Willian.

This combination would have been useful for allowing other types of documents to be used in the Willian method, because Willian converts from XML to a testing output.

Claim 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Willian as applied to claim 27 above, and further in view of Michael Kolfman US Patent No. 6,912,529 (hereinafter, "Kolfman").

Claim 28:

Willian discloses all the elements of Claim 27 as disclosed in the above rejection.

Willian fails to disclose:

The method of claim 27, wherein the digitized content input is at least one selected from an input group comprising a Microsoft Word file, an Adobe Acrobat File, an HTML document, an XML document, an xHTML document, a Quark Express document, a Word Perfect document, an SGML document, and an Adobe PageMaker document.

Kolfman discloses:

The method of claim 27, wherein the digitized content input is at least one selected from an input group comprising a Microsoft Word file [col. 18, lines 5-35] [XML generator uses a DTD to convert a Microsoft Word file], an Adobe Acrobat File [col. 1, lines 50-65] [convert and view in Adobe Acrobat], an HTML document [col. 5, lines 10-41] [HTML to XML] [It should also be noted that the W3C HTML 3.2 standard was designed to provide easy conversion to XML], an XML document [col. 5, lines 10-41] [XML document], an XHTML document [xHTML is HTML that conforms to XML standards, thus making it easily convertible to XML], a Quark Express document [Quark Xpress 4.1, which was released in 1999, added XML and PDF support, the addition of this support made the document easily convertible to XML], a Word Perfect document [col. 18, lines 5-35] [XML generator uses a DTD to convert to WordPerfect file], an SGML document [col. 5, lines 10-41] [XML is a simplified version of SGML, which can be used as well], and an Adobe PageMaker [PageMaker whose latest version was released in 2001 supports exporting files as HTML, thus providing easy conversion to XML].

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman with the method of test administration in Willian.

This combination would have been useful for allowing other types of documents to be used in the Willian method, because Willian converts from XML to a testing output.

Claim 29-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Willian as applied to claim 27 above, and further in view of Said et al US Patent Application No. 2004/0218451 (hereinafter, "Said").

Claim 29:

Willian discloses all the elements of Claim 27 as disclosed in the above rejection.

Willian fails to disclose:

The method of claim 27, wherein the toolbar is configured to modify an existing third-party software application.

Said discloses:

The method of claim 27, wherein the toolbar is configured to modify an existing third-party software application [paragraphs 0042, 0052 and Fig. 1] [toolbar on word processor or instant messenger].

Art Unit: 2176

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the method of converting document to XML in Kolfman with the method of toolbar configuration in Said.

This combination would have been useful for creating better options for the special needs.

Claim 30:

Said discloses: *The method of claim 27, wherein the individual can modify at least one of a characteristics group comprising speech enablement, keystroke echo, contrast, text highlighting, text color, size of text, reading rate, volume of speech, and voice selection* [paragraph 0052] [formatting controls for semantic cues, coloring and visual formatting].

Claim 31:

Said discloses: *The method of claim 27, further comprising a step of providing a computerized avatar to facilitate communicating of the content* [paragraphs 0022, 0050, 0052 and 0059] [signing avatar].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin J. Smith whose telephone number is (571) 270-3825. The examiner can normally be reached on Monday through Friday 8:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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